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10/605,886	11/04/2003	Ronald J. DeHaas	28749-00003	2885
43798 7590 12/08/2009 FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036				
EXAMINER NGUYEN, DUSTIN				
ART UNIT 2454		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/605,886

**Applicant(s)**

DEHAAS ET AL.

**Examiner**

DUSTIN NGUYEN

**Art Unit**

2454

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 20-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-18, 20-42 are presented for examination.

***Response to Arguments***

2. Applicant's arguments filed 08/24/2009 have been fully considered but they are not persuasive.
3. As per remarks, Applicants argued that (1) Onoe fails to describe or suggest "wherein said remote server includes a processing program configured to assign a score to each said recorded Internet access activity" as recited in claim 1.
4. As to point (1), Examiner respectfully disagrees since Onoe discloses an information collection program collects the information as to which WWW site address was viewed and for how long [ Figure 3; and col 7, lines 6-35 ], the processing for all of the WWW site addresses of information providers which have been accessed by the information viewer are repeated for each address, and all of the viewing information which relates to the addresses accessed by the information viewer is collected [ 203-206, Figure 2; and col 7, lines 36-46 ]. Then these information are put into a rank order as shown in Figure 4(a), i.e. address <http://www.fujitsu.com> has total access time of 30 hours 15 minutes 45 seconds and rank #1 [ Figure 4(a); and col 7,

lines 55-67 ]. As such, Onoe discloses assign a score to each said recorded Internet access activity as claimed, and therefore, the claim remains rejected over the cited prior art.

5. As per remarks, Applicants argued that (2) Onoe fails to describe or suggest “recording said Internet access activity on a first database located within a remote server, processing said recorded Internet access activity; and transfer said recorded Internet access activity to a second database” as claimed in claim 18.

6. As to point (2), Figure 1 of Onoe shows server 1 of a plurality of information providers, client 2 of a plurality of information viewers and a server 3 of an information collector. The information viewer collects information as to which WWW site address was viewed and for how long, and transmits this information to the information collector’s server 3 [ i.e. recording said Internet access activity on a first database located within a remote server as claimed ] [ 203-206, Figure 2; and col 6, lines 65-col 7, lines 46 ], then the information collector’s server 3 processes the collected information, put into chart form and provides to the information provider’s server 1 [ i.e. transfer said recorded Internet access activity to a second database as claimed ] [ 209, 210, Figure 2; col 8, lines 21-35; and col 9, lines 56-64 ].

7. As per remarks, Applicants argued that (3) Onoe fails to describe “wherein said portions further include a computer link to connect to another portion of said report” as recited in claim 29.

8. As to point (3), Onoe discloses the collected information is summarized in a report form, this report can be summarized as a surfer pursuit report, also Onoe provides an outline of items including in the report [ col 8, lines 30-54 ]. As can be seen, the outline of items included in the report would enable to access or link to different chart forms as shown in Figures 3-7, 9-12. As such, Onoe discloses the claimed limitation, and therefore, it remains rejected over the cited prior art.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-18, 20, 29-35, 40 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Onoe et al. [ US Patent No 5,951,642 ].

11. As per claim 1, Onoe discloses the invention as claimed including a system for monitoring Internet use of a selected user [ i.e. system for collecting detailed internet information on the basis of the condition of activities of information viewers viewing information of service providers ] [ Abstract ], comprising:

a remote server [ i.e. server of an information collector ] [ 3, Figure 1; and col 6, lines 7-20 ];

a computer communicatively connected to said remote server [ i.e. information viewer client ] [ 2, Figure 2; and col 6, lines 1-20 ] having a monitoring program voluntarily installed thereon by the computer user [ i.e. information collection client program has been installed and activated for an information viewer to view an information provider ] [ 201, Figure 2; col 1, lines 15-21; and col 6, lines 42-57 ], said monitoring program configured to monitor Internet access activity of the computer user and record said Internet access activity within said remote server [ i.e. program collects the information of the information viewer and transmits the viewing information to the data base of the information collector's server 3 ] [ 203-205, Figure 2; Figure 8; col 7, lines 6-19; and col 10, lines 53-59 ]; and

wherein said Internet access activity includes access to at least one Internet protocol from a group consisting of network news transfer protocols, file sharing programs, file transfer protocols, chat room access, peer to peer chats, and electronic mail activity [ i.e. WWW site, electronic mail, mailing list, netnews ] [ Figure 9; col 1, lines 18-21; and col 3, lines 1-14 and lines 57-67 ]; wherein said remote server includes a processing program configured to assign a score to each said recorded internet access activity [ i.e. address <http://www.fujitsu.com> has total access time of 30 hours 15 minutes 45 seconds and rank #1 ] [ Figure 4(a); and col 7, lines 55-67 ].

12. As per claim 2, Onoe discloses wherein said processing program is configured to analyze said recorded Internet access activity and generate a report of said Internet access activity [ i.e. analyze ] [ Figure 7; and col 8, lines 67-col 9, lines 9 ].

13. As per claim 3, Onoe discloses wherein said report includes a list of said recorded Internet access activity and said score assigned to each said recorded Internet access activity [ i.e. time and frequency ] [ Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62 ].

14. As per claim 4, Onoe discloses wherein said report is accessible by a third party recipient [ i.e. information processing agent statistically processes the collected information and statistically processed data is put into chart form and provided to the information provider ] [ 208-210, Figure 2; and col 8, lines 1-65 ].

15. As per claim 5, Onoe discloses wherein said report displays said list of said recorded Internet access activity sorted by said score [ i.e. ranking ] [ Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62 ].

16. As per claim 6, Onoe discloses wherein said report displays said list of said recorded Internet access activity sorted chronologically [ Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62 ].

17. As per claim 7, Onoe discloses wherein said report includes at least one portion and said at least one portion includes at least one link to at least one other portion [ col 8, lines 35-65 ].

18. As per claim 8, Onoe discloses wherein each of said at least one portions contains a list of recorded Internet access activity of one of said Internet protocols [ i.e. WWW site, electronic

mail, mailing list, netnews ] [ Figure 9; col 1, lines 18-21; and col 3, lines 1-14 and lines 57-67 ], and wherein said portions further include a computer link to connect to another portion of said report [ i.e. create a report ] [ col 8, lines 1-65 ].

19. As per claim 9, Onoe discloses including a first database located within said remote server, and wherein said monitored Internet access activity is stored on said first database [ i.e. program collects the information of the information viewer and transmits the viewing information to the data base of the information collector's server 3 ] [ 203-205, Figure 2; Figure 8; col 7, lines 6-19; and col 10, lines 53-59 ].

20. As per claim 10, Onoe discloses wherein said remote server further includes a second database, said processing program configured to analyze said recorded Internet access, and transfer said recorded Internet access activity to said second database [ i.e. information processing agent statistically processes the collected information and statistically processed data is put into chart form and provided to the information provider ] [ 208-210, Figure 2; and col 8, lines 1-65 ].

21. As per claims 11 and 12, they are rejected for similar reasons as stated above in claims 2 and 3.

22. As per claim 13, it is rejected for similar reasons as stated above in claim 4.



23. As per claims 14 and 15, they are rejected for similar reasons as stated above in claims 5 and 6.
24. As per claim 16, it is rejected for similar reasons as stated above in claim 7.
25. As per claim 17, it is rejected for similar reasons as stated above in claim 8.
26. As per claim 18, it is rejected for similar reasons as stated above in claims 1, 9 and 10.
27. As per claim 20, it is rejected for similar reasons as stated above in claims 10 and 13.
28. As per claim 29, it is rejected for similar reasons as stated above in claims 1, 7 and 8.
29. As per claim 30, it is rejected for similar reasons as stated above in claim 4.
30. As per claim 31, Onoe discloses wherein said report further includes a score assigned to each Internet access activity listed [ Figures 4a, 4b, 10a, 10b; and col 7, lines 55-62 ].
31. As per claims 32 and 33, they are rejected for similar reasons as stated above in claims 5 and 6.
32. As per claim 34, it is rejected for similar reasons as stated above in claims 1, 7 and 8.

33. As per claim 35, it is rejected for similar reasons as stated above in claim 4.
34. As per claim 40, it is rejected for similar reasons as stated above in claim 6.
35. As per claim 42, Onoe discloses wherein said score is one of a numeric score and a relative score [ Figures 4a, 4b, 10a and 10b ].

*Claim Rejections - 35 USC § 103*

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

37. Claims 21-28 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al. [ US Patent No 5,951,642 ], in view of Linden et. al. [ US Patent No 6,912,505 ].

38. As per claim 21, Onoe does not specifically disclose wherein providing said report includes notifying said third party recipient to access said second database to view said report. Linden discloses wherein providing said report includes notifying said third party recipient to access said second database to view said report [ Figures 6, 11 and 12; and col 4, lines 17-34 ]. It would have been obvious to a person skill in the art at the time the invention was made to

combine the teaching of Onoe and Linden because the teaching of Linden would provide a method for determining relatedness between products or other viewable items represented within a database, and for using item relatedness data to recommend items to users [ Linden, col 1, lines 11-16 ].

39. As per claim 22, Linden discloses wherein providing said report includes electronically sending said report to said third party recipient at pre-selected time intervals [ col 12, lines 60-col 13, lines 2 ].

40. As per claim 23, Linden discloses the step of: assigning a score to said Internet access activity based on predetermined scoring criteria [ i.e. value or metric ] [ col 11, lines 60-67; and col 17, lines 6-22 ].

41. As per claim 24, it is rejected for similar reasons as stated above in claim 3.

42. As per claim 25, it is rejected for similar reasons as stated above in claim 5.

43. As per claim 26, Onoe discloses wherein said score includes a numeric score [ Figures 4a, 4b, 10a and 10b ].

44. As per claim 27, Onoe discloses wherein said score includes a relative score [ Figure 7 ].

45. As per claim 28, it is rejected for similar reasons as stated above in claim 6.
46. As per claims 36 and 37, they are rejected for similar reasons as stated above in claims 21 and 22.
47. As per claim 38, it is rejected for similar reasons as stated above in claim 23.
48. As per claim 39, it is rejected for similar reasons as stated above in claim 5.
49. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al. [ US Patent No 5,951,642 ], in view of Tamir et. al. [ US Patent No 6,957,390 ].
50. As per claim 41, Onoe does not specifically disclose wherein said score provides an indication of whether said Internet access activity is considered an objectionable activity. Tamir discloses wherein said score provides an indication of whether said Internet access activity is considered an objectionable activity [ i.e. the highest running total score ] [ col 19, lines 25-30 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Onoe and Tamir because the teaching of Tamir would enable to track web site use by individual web users, and then dynamically configures the user's web browser and displayed information for optimum presentation based on the user's prior activity and preferences [ Tamir, col 1, lines 7-15 ].

**51. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spaid [ US Patent Application No 2004/0139192 ] discloses a web site quality measurement system and method can include logging visitor data and session data for a web site viewing session, and a composite score can be computed for the Web site viewing session based upon the individual evaluated data [ Abstract ].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/  
Primary Examiner, Art Unit 2454